

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/496,783	LINTEL III ET AL.
	Examiner Robert W. Morgan	Art Unit 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Board of Patent Appeals and Interference Decision mailed on 1/28/05.
2.  The allowed claim(s) is/are 17-19 and 21-24.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

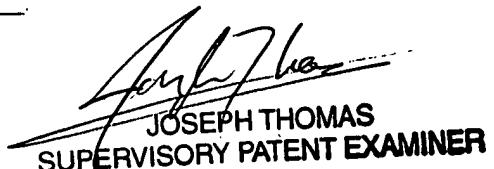
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_



JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Response to BPAI Decision***

In the decision by the Board of Patent Appeals and Interferences (BPAI) mailed 1/28/05, in paper number 16, the rejections of claims 17-19 and 21-24 were reversed. The following action is a response to the decision rendered by the Board of Patent Appeals and Interferences (BPAI) mailed 1/28/05. Claims 17-19 and 21-24 are pending in the application and are allowed.

### ***Allowable Subject Matter***

Claims 17-19 and 21-24 are allowed. The following is an examiner's statement of reasons for allowance:

#### **Claims 17 and 22:**

The Board of Patent Appeals and Interferences has interpreted the Examiner description of Peterson's regarding determining whether a claim is to be automatically or manually adjudicated, which takes place before denial, is not comparable to the appellants' forwarding of a denied authorization request, which takes place after denial as well as updating a database, subsequent to a denial, in response to research by a third party human researcher.

The closest prior art of record (Spurgeon and Peterson et al.) does not teach or fairly suggest an electronic denial of an electronic referral authorization request is forwarded to a third party human researcher for further research. More specifically, the prior art does not specifically teach or suggest "forwarding of a denied authorization request, which takes place after denial as well as updating a database, subsequent to a denial, in response to research by a third party human researcher" (see: pages 3-5, BPAI decision).

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Because the prior art does not teach or disclose the above features in the specific manner and combinations recited in independent claims 17 and 22, and as further interpreted by the Board of Patent Appeals and Interferences, claims 17 and 22, are hereby deemed to be allowable.

Originally numbered claims 18-21 and 23-24 are dependent on originally numbered claims 17 and 22, and therefore incorporate the allowable features of originally numbered claims 17 and 22, through dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (WO 95/12812) Kell teaches a method of monitoring compliance of a patient on a medication.

In related art ("What to do when a pharmacist suspects a script is forged") Freemen teaches a method to resolve the issue of whether a prescription is a new or continuation prescription prescribed by another doctor.

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure as background material and is not of particular significance. These prior art patents fail to teach or fairly suggest forwarding of a denied authorization request, which takes place

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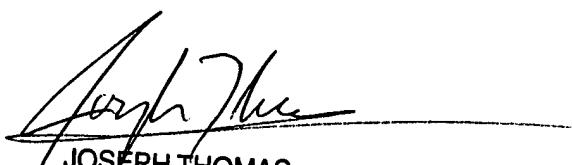
after denial as well as updating a database, subsequent to a denial, in response to research by a third party human researcher.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RWM*  
Robert Morgan  
Patent Examiner  
Art Unit 3626



JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER